



## COMMODITY FUTURES TRADING COMMISSION

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September 8, 2023

**VIA ECF**

The Honorable John F. Docherty  
 United States District Court for the District of Minnesota  
 316 N. Robert Street  
 St. Paul, Minnesota 55101

Re: *CFTC v. Miller et al.*, Case No. 0:23-cv-00436-JWB-JFD (D. Minn.)

Dear Magistrate Judge Docherty:

The undersigned counsel represents Plaintiff Commodity Futures Trading Commission (“Commission”) in connection with the above-captioned action currently pending before the Court. On February 22, 2023, the Commission filed its Complaint against Defendants Justin Dendinger, Richard Miller, Flip 2 Futures Trading Company LLC, and Punch Drunk Marketing LLC for violations of the Commodity Exchange Act and its implementing Regulations. The Commission recently learned that Mr. Dendinger was involved in a motorcycle accident on August 29, 2023 during which he suffered life-threatening injuries.<sup>1</sup> The Commission understands that Mr. Dendinger remains hospitalized and in a coma and that it is not known at this time whether he can be expected to recover from his injuries and retain full cognitive abilities.

Mr. Dendinger is the only Defendant who has appeared to defend this action and is proceeding *pro se*.<sup>2</sup> Under the Pretrial Scheduling Order (ECF No. 28), fact discovery

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<sup>1</sup> More information about the incident is available at the following link:  
<https://drydenwire.com/news/two-vehicle-crash-leaves-motorcyclist-with-life-threatening-injuries-in-polk-county/>

<sup>2</sup> Mr. Miller, Flip 2 Futures Trading Company LLC, and Punch Drunk Marketing LLC have failed to answer or otherwise respond to the Complaint and have not appeared to defend this action. Accordingly, the Commission filed applications for entry of default against each of those Defendants pursuant to Federal Rule of Civil Procedure 55(a). ECF

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must be completed on or before May 2, 2024. The Commission issued document requests and interrogatories to Mr. Dendinger pursuant to Federal Rules of Civil Procedure 33 and 34 on August 10, 2023 and was awaiting his responses. There are no other discovery requests or motions pending in the case.

In light of these circumstances, the Commission believes it is in the best interests of the parties to stay the proceedings until more information about Mr. Dendinger's injuries and his ability to litigate this matter becomes available. The Commission would propose an initial stay of three months subject to possible extensions depending on Mr. Dendinger's condition.

To the extent the Court would prefer to receive a formal motion requesting a stay or to proceed in a different manner, the Commission will await direction from the Court. However, the Commission wanted to inform the Court of these developments as soon as possible.

Thank you for your attention to this matter.

Sincerely,

s/ Julia C. Colarusso

Julia C. Colarusso  
Division of Enforcement  
Commodity Futures Trading Commission

cc: Christine Ryall (via ECF)  
Justin Dendinger (via Federal Express)

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Nos. 14–17, 23–24. The Clerk of Court has since entered default against them. ECF Nos. 19–20, 25.